

DOCKET FILE COPY ORIGINAL

RECEIVED

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

AUG 22 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matters of

Federal-State Joint Board on Universal Service

CC Docket No. 96-45

NOMINATION OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
FOR MEMBERSHIP ON UNIVERSAL SERVICE ADMINISTRATOR ADVISORY
COMMITTEE

CHARLES D. GRAY
General Counsel

JAMES BRADFORD RAMSAY
Assistant General Counsel

National Association of
Regulatory Utility Commissioners

1100 Pennsylvania Avenue
Post Office Box 684
Washington, D.C. 20044

(202) 898-2200

August 22, 1997

No. of Copies rec'd
LISTABLE

013

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matters of

Federal-State Joint Board on Universal Service

CC Docket No. 96-45

**NOMINATION OF THE
NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS
FOR MEMBERSHIP ON UNIVERSAL SERVICE ADMINISTRATOR ADVISORY
COMMITTEE**

Pursuant to the Federal Communications Commission's ("FCC" or "Commission") August 1, 1997 Public Notice Public Notice DA 97-1649, the National Association of Regulatory Utility Commissioners ("NARUC") respectfully submits this nomination for membership on the Universal Service Administrator Advisory Committee ("USAAC"). This federal advisory committee will recommend a permanent neutral administrator of the universal service support mechanisms. In support of its request, NARUC states as follows:

I. Description of NARUC's Interests and Representational Role

NARUC has long been recognized by Congress, the Courts, and the FCC as the proper party to represent the collective interests of the State regulatory commissions.

The FCC's August 1, 1997 notice requires the nomination notice to include "a description of the interests that the applicant or nominee will represent" and "why the applicant is an interested party." State regulators are intimately connected with all aspects of universal service. Funding the current mechanisms and distribution of those funds will directly impact State regulators abilities to fulfill their mandates to regulate the activities of telecommunications carriers in a manner that serves the public interest.

NARUC is the appropriate body to nominate the USAC member to represent state regulators. Founded in 1889, NARUC's members include those governmental bodies responsible for regulating carriers and utilities in all fifty States, the District of Columbia, Puerto Rico, and the Virgin Islands. NARUC's mission is to improve the quality and effectiveness of public utility regulation in America. Specifically, NARUC is composed of, inter alia, State and territorial officials charged with regulating telecommunications common carriers within their respective borders. These officials have the obligation to assure that communications services and facilities required by the public convenience and necessity are established, and that service is furnished at just and reasonable rates.

NARUC's responsibilities are nationwide and involve a broad spectrum of regulatory problems and responsibilities unique to it as an organization. In statutory language of the Congress, NARUC is "the national organization of the State commissions" responsible for economic and safety regulation of the intrastate operation of carriers and utilities. Indeed, NARUC is the organization designated by Congress to nominate State Commission representatives to all the FCC Federal State Joint Boards and Conferences, including the Board charged with implementing the provisions of the 1996 Act governing the USAC Board of Directors activities. Moreover, Federal courts have long recognized that the NARUC is a proper party to represent the collective interests of the State regulatory commissions.¹

¹ See, for example, *United States of America v. Southern Motor Carrier Rate Conference, et al.*, 467 F.Supp. 471 (N.D. Ga. 1979), *aff.* 672 F.2d 469 (5th Cir. Unit "B" 1982); *aff. en banc*, 702 F.2d 532 (5th Cir. Unit "B" 1983, *rev'd*, 471 U.S. 48 (1985)). See also *Indianapolis Power and Light Co. v. Interstate Commerce Commission*, 587 F.2d 1098 (7th Cir. 1982); *Washington Utilities and Transportation Commission v. FCC*, 513 F.2d 1142 (9th Cir. 1976).

NARUC's nominee will represent the clear State interest in the universal service funds Congress recognized when it established the § 254 Joint Board.

II. NARUC's Nomination For USAAC Membership

A. NARUC's Nomination

The August 1, 1997 Public Notice requires nominations to include "evidence that the applicant or nominee is authorized to represent parties related to the interests the applicant or nominee proposes to represent." In accordance with Section 25 of NARUC's "Policy Governing Committees and Representatives" [As Adopted by the 97th NARUC Annual Convention on November 20, 1985 (Convention Proceedings, pages 365-367) and amended November 14, 1990, and November 20, 1996], NARUC's current President, the Honorable Bruce B. Ellsworth, a Commissioner with the New Hampshire Public Utilities Commission, hereby nominates the following to serve as NARUC's Representative on the USAAC:

The **Honorable Thomas J. Dunleavy**, a commissioner with the New York Public Service Commission and a member of NARUC's Committee on Communications.

B. Contact Information:

The notice also requires nominations to include "...the applicant's or nominee's mailing address, e-mail address (where applicable), telephone number, and facsimile machine number." The contact information for Mr. Dunleavy is as follows:

Commissioner Thomas J. Dunleavy
New York Public Service Commission
One Penn Plaza, 8th Floor
New York, New York 10119

Phone: 212.290.4416
Fax: 212.290-4435
Internet: TJD@dps.state.ny.us

NOMINATION OF THOMAS J. DUNLEAVY TO THE USAC

- 4 -

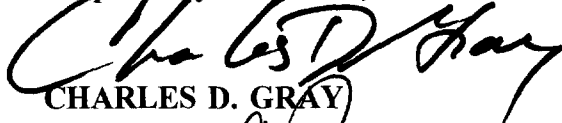
C. Required Service and Written Statement of Commitment to USAC Objectives:

The Notice requires an "[o]riginal....nomination and one copy" to be sent to the Office of the Secretary, Room 222, 1919 M. Street, NW, Washington, DC 20554." Additional copies must also be sent to Sheryl Todd, Federal Communications Commission, Universal Service Branch, CC Docket No. 96-45, 8th Floor, 2100 M. Street, NW, Washington, DC 20554 and to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036.

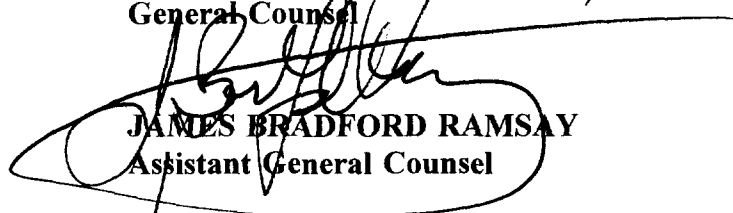
The under-signed hereby certify

- (1) that service by hand-delivery to the offices of the FCC Secretary will be completed this 15th Day of August 1997 before 5:30 p.m. eastern standard time; and
- (2) that copies will be mailed to both Ms. Todd and ITS; and
- (3) that Commissioner Dunleavy has committed to "actively participate in good faith in the objectives of the committee.

Respectfully submitted,



CHARLES D. GRAY
General Counsel



JAMES BRADFORD RAMSAY
Assistant General Counsel

**National Association of
Regulatory Utility Commissioners**

**1100 Pennsylvania Avenue
Post Office Box 684
Washington, D.C. 20044**

(202) 898-2200

August 22, 1997